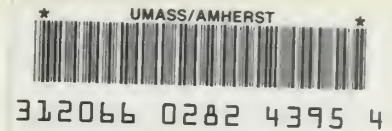


MASSACHUSETTS TRIAL COURT
OFFICE OF COMMISSIONER OF PROBATION
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DRIVING UNDER THE INFLUENCE OF LIQUOR:
ARRAIGNMENTS, DISPOSITIONS, AND COLLECTIONS
1985

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GOVERNMENT DOCUMENT
COLLECTION

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I. INTRODUCTION

During the past decade, the citizens of Massachusetts have focused much attention on the large numbers of fatalities and accidents that occurred as a result of persons driving under the influence of liquor. Revision and tighter enforcement of drunk driving laws; media campaigns by federal, state, and local governments; and the development of public interest groups such as Mothers Against Drunk Driving and Students Against Drunk Driving, have served to heighten the public's awareness of the problems of drunken driving in Massachusetts. During 1985, this increase in awareness coincided with a significant decrease in the number of persons arraigned for driving under the influence of liquor (DUIL) in the District Courts of Massachusetts.

There have been several pieces of legislation passed since 1975 that may have contributed to a decline in driving under the influence of liquor cases.

Chapter 505, Acts of 1975 - Revised the drunk driving laws to place emphasis on the education and rehabilitation of the offender.

Chapter 15, Acts of 1979 - Raised the drinking age from 18 to 20 in an attempt to reduce the number of high risk drunk drivers on the roads, effective April 16, 1979.

Chapter 373, Acts of 1982 - Widened sentencing possibilities for drunk drivers by providing mandatory penalties for offenders with two or more DUIL offenses. Also increased the penalty for Motor Vehicle Homicide if the offender was convicted of DUIL as well as Driving to Endanger.

Chapter 312, Acts of 1984 - Raised the drinking age from 20 to 21, effective June 1, 1985.

At this time, there is also legislation pending that could further revise the existing drunk driving laws.

Currently in Massachusetts, the law provides certain penalties for persons convicted of driving under the influence of liquor. Sentences imposed depend primarily upon an offender's prior DUIL offense history, and become more severe as the number of prior convictions for driving under the influence of liquor increases.



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FIRST OFFENSE:

Incarceration for not more than 2 years and a fine of \$100 to \$1,000. Mandatory revocation of license for 1 year.

OR...

Probation for 2 years with special condition that the offender attend an Alcohol Education Program, pay a Program Fee and any court costs, and have their license or right-to-operate revoked for 30 days.

SECOND OFFENSE:

Incarceration for not less than 7 days (mandatory) but not more than 2 years, and a fine of \$300 to \$1,000. Mandatory revocation of license for 2 years. Sentence imposed cannot be suspended; offender not eligible for probation until 7 days have been served; and a case cannot be filed or continued without a finding. Imprisonment may be designated for weekends, evenings, or holidays.

OR...

If a plea of guilty is found, with the defendant's consent, the defendant can be confined in a residential treatment program for not less than 14 days, pay the assessed fees, and have their license or right-to-operate revoked for 1 year. A minimum of 30 hours of public service or community work project may be required by the court to be performed by the defendant.

THIRD AND/OR SUBSEQUENT OFFENSE:

Fine of not less than \$500 but not more than \$1,000 and imprisonment for not less than 60 days and not more than 2 years. Sentence imposed may not be suspended; offender not eligible for probation until 60 days have been served; courts may order imprisonment on designated weekends, evenings or holidays; and license revoked for 5 years. A minimum of 30 hours of public service or community work projects may be required by the court to be performed by the defendant.

Under Massachusetts General Laws, Chapter 90, Section 24D, the Office of the Commissioner of Probation is mandated to "report in writing at least once annually to the director of the division of alcoholism on the total number of persons who have received disposition...and on the number of such persons who have been determined by the court to require alcohol treatment or rehabilitation, or both." This report is designed to respond to that mandate, and also to shed light on trends in other DUIL activities such as the volume of DUIL Arraignments in Massachusetts, and the collection of DUIL related monies by the Massachusetts Probation Service.

II. METHODOLOGY

This report examines Driving Under the Influence of Liquor (DUIL) Activities in Massachusetts for the calendar year 1985. The data compiled for this report was obtained from the Massachusetts Probation Service's Management Information System which utilizes as its main collection device the Monthly Report of Probation Activity (MRPA).

MRPA data is submitted to the Office of the Commissioner of Probation on a monthly basis from each of the probation offices of the Commonwealth. For the purposes of this 1985 DUIL report, the Research and Statistical Bureau examined specific key variables contained in MRPA. These included the total number of DUIL arraignments during the period January - December 1985, and also the dispositions handed down during this time period. Also included in this analysis and obtained from MRPA is data on DUIL collections for the same period. In order to illustrate shifts in DUIL activities, comparisons were made to prior years' data whenever possible.

The terms used throughout this report are operationally defined as follows:

DUIL ARRAIGNMENTS: Any person arraigned on a charge of operating a motor vehicle while under the influence of intoxicating liquor in the District/Boston Municipal Court Department.

NOT GUILTY FINDING: A disposition that includes persons who were acquitted of a charge of Driving Under the Influence of Liquor.

24 D: A disposition in which individuals found guilty were placed in a Drivers Alcohol Education Program. These programs are regulated by the Division of Alcoholism, and provide an 8 week educational and early intervention service for DUIL offenders.

14 DAY HOSPITAL: A disposition that requires those persons found guilty of DUIL for a second time to be placed in a residential treatment program for not less than 14 days.

INCARCERATION: Imprisonment at a House of Correction or Massachusetts Correctional Institution for one day to two years. This includes individuals with a split sentence of incarceration and probation, and those with weekend, evenings, or holiday sentences.

OTHER: Any dispositions for individuals charged with DUIL that are not mentioned above, such as probation or fines.

DUIL COLLECTIONS: Monies collected by probation offices from DUIL offenders. Until September 1, 1982, probation offices collected DUIL alcohol education program fees. However, in drunk driving cases originating after that date, only DUIL court fees were collected by the Massachusetts Probation Service. Program fees were paid directly to the alcohol education program.

III. RESEARCH FINDINGS

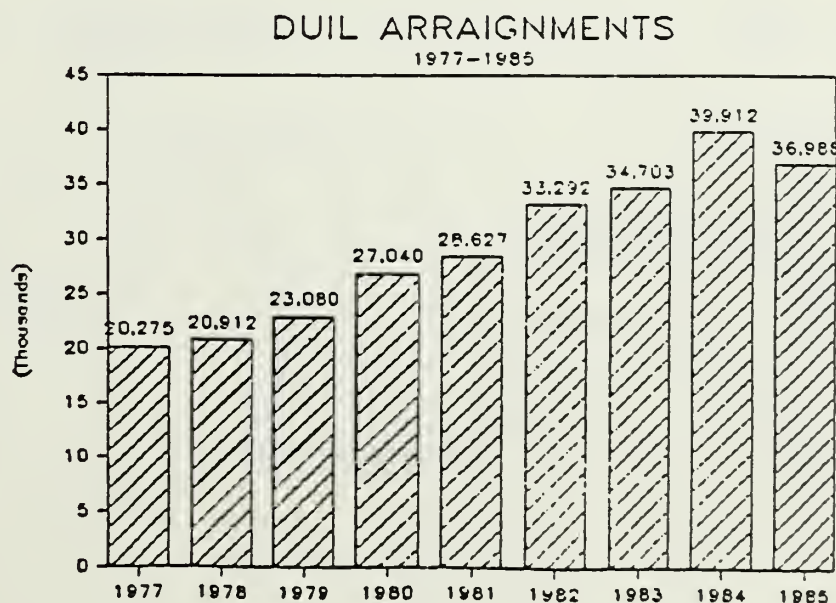
A. ARRAIGNMENTS

During recent years, state and local law enforcement authorities have increased their efforts to apprehend and reduce the number of drunk drivers on Massachusetts roads and highways. These efforts have been evident in the consistent yearly increases in DUIL arraignments from 1977 to 1984. During that period, the number of persons arraigned for DUIL increased nearly one hundred percent from 20,275 in 1977 to 39,912 in 1984.

In 1985 however, drunk driving arraignments fell by 7 percent to 36,988, a drop of nearly 3,000 arraignments. This decrease in drunk driving activity may suggest that the efforts of state and local authorities, in conjunction with a massive public awareness campaign throughout the state, are having a positive effect by reducing the number of drunk drivers in Massachusetts.

Table 1: DUIL ARRAIGNMENTS 1977-1985

<u>Year</u>	<u>No. of Persons Arraigned</u>	<u>% Change From Prior Year</u>
1977	20,275	-----
1978	20,912	+ 3
1979	23,080	+10
1980	27,040	+17
1981	28,627	+ 6
1982	33,292	+16
1983	34,703	+ 4
1984	39,912	+15
1985	36,988	- 7



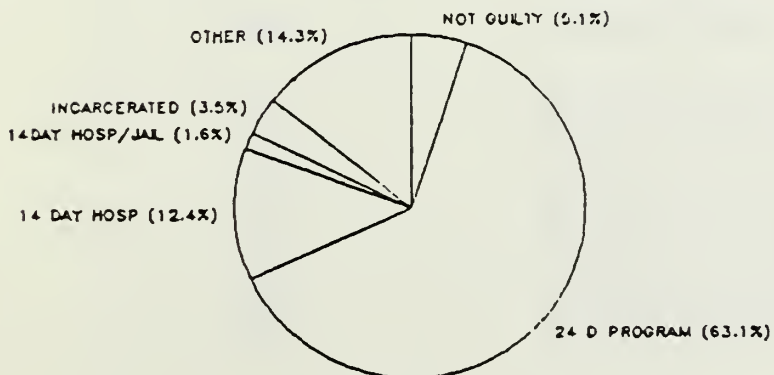
B. DUIL DISPOSITIONS

A comparison of DUIL dispositions for 1984 and 1985 exhibits that very little change occurred in the distribution of the dispositions received by persons charged with DUIL. Sixty three percent, or 20,503 of the drunk drivers disposed of, were sent to alcohol education programs designed for first offenders under Massachusetts General Laws, chapter 90, section 24d. Thirteen percent (4,206) were sent to second offender 14 day inpatient alcohol facilities. A further 1.8% received a split sentence of 14 day alcohol treatment with a period of time in jail. Three and one half percent of the drunk driving cases received incarceration in a house of correction or Massachusetts correctional institution. Less than 5.5% were found not guilty. The remaining 13% of the DUIL cases resulted in the offender receiving probation or fines or some other disposition which did not fit into the major categories. The similarity of this sentence distribution to that of 1984 may suggest that the types of drunk drivers arraigned during 1985 were very similar to those arraigned in 1984.

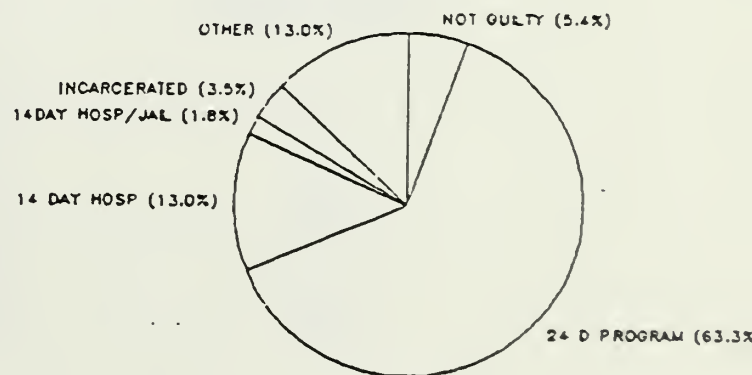
TABLE 2: DUIL DISPOSITIONS 1984 AND 1985

	<u>1984</u>	<u>1985</u>	<u>% CHANGE</u>
NOT GUILTY	1741 (5.1%)	1745 (5.4%)	0.2%
24 D PROGRAM	21594 (63.1%)	20503 (63.3%)	-5.1%
14 DAY HOSPITAL	4229 (12.4%)	4206 (13.0%)	-0.5%
14 DAY HOSPITAL & JAIL	534 (1.6%)	575 (1.8%)	7.7%
INCARCERATION	1211 (3.5%)	1130 (3.5%)	-6.7%
OTHER	<u>4902 (14.3%)</u>	<u>4210 (13.0%)</u>	<u>-14.1%</u>
TOTALS:	34211 (100%)	32369 (100%)	-5.4%
=====	=====	=====	

DUIL DISPOSITIONS
1984



DUIL DISPOSITIONS
1985



C. DUIL COLLECTIONS

Prior to September 1, 1982, the Massachusetts Probation Service was responsible for collecting the \$200 program fee assessed upon each Drunk Driver attending an alcohol education program.

However, with the passage of Chapter 373 of the Acts of 1982, individuals charged with Driving Under the Influence of Liquor were required to pay additional fees to the courts. These fees included the \$200 Alcohol Education Program fee and a \$200 court fee. Court fees were paid to the Chief Probation Officer who then forwarded the monies to the Division of Alcoholism. The program fees were collected by the alcohol education program that the offender was ordered to attend.

In April of 1983, the amount of money collected for Alcohol Programs (24 D) increased to \$280 per offender. The additional \$80 was assessed so that the alcohol program could provide follow-up supervision for 24 D participants. The program fee was raised again in January of 1986 to \$294. The DUIL court fee has remained at \$200 per offender, and is used by the Division of Alcoholism to further support the apprehension, treatment, and rehabilitation of those persons charged with Driving Under the Influence of Liquor.

The total amount of DUIL court fees collected by Probation during 1985 totaled \$3,836,566, an 18% increase from the 1982 total of \$3,264,373.

From 1984 to 1985 DUIL collections increased slightly from \$3,797,754 to \$3,836,566 respectively. Although only a slight increase, it is important to note that DUIL arraignments during 1985 decreased from the 1984 number. The increase in collections may be attributed to the greater emphasis and effort by the Massachusetts Probation Service on the collection of monies.

Table 3: DUIL COLLECTIONS 1977-1985

<u>YEAR</u>	<u>COLLECTIONS</u>	<u>% CHANGE FROM PRIOR YEARS</u>
1977	\$1,987,210.28	-----
1978	\$2,166,163.55	+ 9%
1979	\$2,327,329.49	+ 7%
1980	\$2,676,824.55	+15%
1981	\$2,992,846.18	+12%
1982	\$3,264,373.00	+ 9%
1983	\$3,353,822.00	+ 3%
1984	\$3,797,754.00	+13%
1985	\$3,836,566.00	+ 1%
TOTAL	\$26,402,908.05	

IV. SUMMARY

Since 1975, there have been several law changes concerning DUIL; most recently, Ch.373, the Acts of 1982. Establishing mandatory penalties for multiple offenders, this law increased the certainty of punishment for those convicted of driving under the influence of liquor. Also, during this period of legislative revision, federal, state and local governments, as well as public interest groups such as Mothers Against Drunk Driving and Students Against Drunk Driving, have greatly increased the public's understanding of the seriousness of drunk driving via a large public awareness campaign. Several major findings evident in this report may illustrate the impact of these changes.

- * The number of persons arraigned for driving under the influence of liquor decreased by 7 percent during 1985.
- * The number of cases disposed of in Massachusetts courts decreased during 1985, but the cases were dealt with in much the same way as in 1984: 63% were sent to first offender alcohol education programs, and 13% were sent to second offender 14 day inpatient alcohol treatment programs.
- * Even though the number of arraignments and dispositions decreased, DUIL collections increased from 1984 to 1985.

The decrease in the number of persons arraigned for DUIL during 1985 suggests that the combination of tighter enforcement of drunk driving laws and increased public awareness may be having an impact on the number of drunk drivers on Massachusetts roads and highways.

Disposition statistics reveal that this decrease in the total number of drunk driving arraignments did not occur for only a certain group of offenders (i.e. first offenders vs. subsequent offenders). When comparing the distribution of the types of sentences received by DUIL offenders from 1984 to 1985, the percentage change is minimal. This lack of change may imply that there were decreases in the number of drunk drivers at all levels of seriousness.

The rising DUIL Collections by the Massachusetts Probation Service are in keeping with increases reported in all other areas of court ordered money collections. During recent years, the Massachusetts Probation Service has expended considerable energy on the improvement of collection methods and tighter enforcement of court orders. This attention has become very evident in the increased DUIL collections.

V. SELECTED BIBLIOGRAPHY

Brown, Marjorie E.; Cochran, Donald; Argeriou, Milton; and McCarty, Dennis. An Evaluation of Drunk Driving in Massachusetts Under Chapter 373, Acts of 1982. Boston, MA: Office of the Commissioner of Probation, August 1, 1984.

Druker, Linda A.; Hull, Laurie Ann; and Prior, Mark F. Driving Under the Influence of Liquor: Arraignments, Dispositions, and Collections 1984. Boston, MA: Office of the Commissioner of Probation, July 1, 1985.

Joseph, Maria R., and Prior, Mark F. Driving Under the Influence of Liquor: Dispositions and Placements in Drivers Alcohol Education Programs 1977-1983. Boston, MA: Office of the Commissioner of Probation, July 2, 1984.

Richmond, Rita C., and MacFarlane, Christina. Driving Under the Influence of Liquor: The Deterrent Effect of Legal Sanctions. Boston, MA: Office of the Commissioner of Probation, April 1, 1983.

